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7 DIETER P. ABT

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10  
11 TARAS VOLGEMUT, an individual,  
12 Plaintiff,  
13  
14 vs.  
15 DIETER P. ABT, an individual,  
16 Defendant.

Case No. 2:12-cv-6678-GHK(MRWx)

**STIPULATION TO VACATE  
DEFAULT JUDGMENT BY CLERK**

Complaint Filed: August 2, 2012  
Judgment Entered: November 7, 2012

17  
18 WHEREAS on August 2, 2012, plaintiff TARAS VOLGEMUT (“Plaintiff”)  
19 filed the above-entitled action against defendant DIETER ABT (“Defendant”) (the  
20 “Federal Court Action”);

21 WHEREAS Defendant failed to appear in the Federal Court Action and a  
22 default judgment was entered against Defendant on November 7, 2012 (Dkt. #11)  
23 (the “Default Judgment”);

24 WHEREAS the parties have entered into a written agreement, purportedly to  
25 settle the underlying dispute that is the subject of the Federal Court Action, and  
26 pursuant to which the parties have agreed to vacate the Default Judgment and to  
27 enter into a stipulation to vacate the Default Judgment. Additionally, Defendant  
28 contends that the Default Judgment is void, for lack of subject matter jurisdiction.

1 Therefore, the parties have agreed that upon the Court's vacating of the default  
2 judgment, the parties will enter into a stipulation to dismiss the Federal Court Action  
3 with prejudice, and in the event that Defendant defaults on the parties'  
4 aforementioned written agreement, Plaintiff has the right to file a state court action  
5 against Defendant in connection with the underlying dispute on which the Federal  
6 Court Action is based.

7 As a result of the foregoing, Plaintiff and Defendant hereby enter into this  
8 stipulation, by and through their respective counsel, to vacate the Default Judgment.  
9 The parties request that the Court vacate the Default Judgment.

10 There exists good cause for vacating the Default Judgment. As discussed  
11 above, the parties have entered into an agreement intended to settle the dispute that  
12 underlies the above-entitled action. Moreover, in the event that Defendant defaults  
13 on such agreement, the parties agree that the appropriate remedy is for Plaintiff to  
14 obtain a judgment against Defendant in state court.

15 Respectfully submitted.

16  
17 DATED: July 19, 2013

ALPERT, BARR & GRANT  
A Professional Law Corporation

18  
19  
20 By: /s/  
21 ADAM D.H. GRANT  
22 MICHELLE E. GOODMAN  
23 Attorneys for Defendant  
24 DIETER P. ABT

25 *[ADDITIONAL SIGNATURES ARE ON THE FOLLOWING PAGE]*  
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